United Nations A/HRC/25/NGO/89

General Assembly

Distr.: General
27 February 2014

English only

Human Rights Council
Twenty-fifth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.14-11433

1411433

Please recycle

The human rights situation in the Islamic Republic of Iran

Amnesty International submits this statement to the 25th session of the UN Human Rights Council on the third anniversary of the house arrests of two Iranian opposition leaders and 2009 presidential candidates, Mehdi Karroubi and Mir-Hossein Mousavi, and the latter's wife, university professor and political figure Zahra Rahnavard. They remain in detention without charge or trial, with no possibility to challenge the lawfulness of their detention.

On 14 February 2011, the Iranian authorities placed all three opposition figures under de facto house arrest after Mehdi Karroubi and Mir Hossein Mousavi called for demonstrations in support of the popular uprisings in the Middle East and North Africa region. Despite international calls for their release, the authorities continue to hold these opposition figures and monitor their communications.[1] Their families have also been harassed and persecuted, including by having restricted contact with them and being targeted for arrest. The three opposition figures remain in a legal limbo as no security body is claiming responsibility for their prolonged house arrest amid contradictory official statements.

Amnesty International has repeatedly called on the Iranian authorities to release the three individuals and stop the persecution of their families.[2] Their fate is symptomatic of the stalemate in the field of human rights in Iran.

The June 2013 election of Hassan Rouhani offered some hope for an improvement in the human rights situation in Iran. However, such hopes have not materialized into substantive change for individuals who have continued to be subjected to grave human rights violations. In fact, despite this Council's attention to the serious shortcomings in the human rights situation in Iran, the situation has remained dire in the four years since Iran's UPR examination in February 2010.

Seven months after the formation of the new administration, freedom of expression, association and assembly remain severely restricted, and incommunicado detention, torture and other ill-treatment continue to be used routinely. The authorities continue to convict individuals in trials marred with irregularities. They resort extensively to the death penalty, imposed largely for crimes that do not meet the criterion of "most serious" crimes. No concrete measures have been taken to eliminate discrimination against women and members of ethnic and religious minorities who face widespread discrimination in law and practice.

Iran has so far refused to co-operate with this Council's Special Rapporteur on the situation of human rights in Iran and has prevented independent assessment of the human rights situation in Iran by ignoring repeated requests made by UN human rights experts and NGOs to visit. Despite its 2002 standing Invitation, Iran has not received a visit from a Special Procedure since 2005.

Amnesty International urges the Human Rights Council to demand that Iran's stated commitment to co-operation with international human rights mechanisms be demonstrated by receiving visits by the Special Rapporteur on Iran in the near future and ensuring that state bodies extend full co-operation to him.

Administration of justice

Administration of justice in Iran remains severely flawed. Arbitrary arrest and detention, incommunicado detention, solitary confinement, the lack of or limited access to legal representation during pre-trial detention and the trial itself, forced and televised confessions, and unfair trials continue unabated.

---

[1] Office of the High Commissioner for Human Rights, Iran: UN experts call for immediate release of key opposition leaders ahead of presidential elections, 11 February 2013, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12981&LangID=E

[2] Amnesty International, Iran: Release opposition leaders under house arrest three years on, 14 February 2014, (MDE 13/009/2014), http://www.amnesty.org/en/library/info/MDE13/009/2014/en; Amnesty International, Iran: End arbitrary house arrests of Mousavi, Karroubi, and Rahnavard; Free all prisoners of conscience, 11 February 2013 (MDE 13/009/2013), http://www.amnesty.org/en/library/info/MDE13/009/2013/en.

The draft Code of Criminal Procedure includes some provisions that if implemented could ensure better compliance with Iran's international human rights obligations; though, in practice, the restrictive interpretation of certain articles could still be used to deny detainees such rights as access to a lawyer from the time of arrest. The draft Code also fails to fully clarify which security agencies have the power of arrest.

There is widespread impunity for perpetrators of human rights violations, and allegations of torture and other ill-treatment, used routinely and widely, are not impartially and independently investigated. No-one has yet been brought to justice for the death of blogger, Sattar Beheshti, who died in custody in November 2012 allegedly as a result of torture or other ill-treatment while in custody. A medical examiner's report has stated that he died from internal bleeding in his lungs, liver, kidneys, and brain. Despite this, in December 2013, a court in Tehran closed the case against the interrogator accused of his murder after it dismissed the murder charge and determined the killing to be "quasi-murder". According to the family's lawyer, a new complaint must be filed for the new charge to be pursued.

Death penalty

Iran remains the second highest executioner in the world. In 2012, state authorities and media acknowledged 314 executions. In addition there were at least 230 executions not officially announced, bringing the total to at least 544 executions. It is believed that in 2013 much more than 600 people were executed in total. This includes individuals who may have been under 18 at the time of the alleged offence, despite the absolute prohibition in international law on the execution of juvenile offenders. Most of the people executed had been convicted of drug trafficking.

The revised Islamic Penal Code, signed into law in 2013, continues to include the death penalty, including for crimes that do not constitute "most serious crimes" under international law. These include drug trafficking, sexual relations outside marriage, "apostasy" and vaguely worded crimes such as "corruption on earth" (*ifsad fil-arz*) and "enmity against God" (*moharebeh*). The Code also maintains the punishment of stoning for "adultery while married" and only limits the scope of the death penalty for juvenile offenders for some crimes, thus falling short of Iran's obligations of an absolute prohibition.

Death sentences are frequently imposed following legal proceedings that violate international fair trial standards, including through the use of forced "confessions". Such "confessions" – occasionally televised on state TV – are often accepted as evidence in courts.

Secret and "retaliatory" executions have been carried out over the past year. In January 2014, Hadi Rashedi and Hashem Sha'bani Nejad, both members of Iran's Ahwazi Arab minority, were executed in secret. They had been shown "confessing" on a state television channel before their trial. Amnesty International understands that the families of the men were not told the exact date of their executions, and have not received their bodies. The families were told by an Intelligence Ministry official that they were not permitted to hold a public memorial service for the men and had only 24 hours to hold a private ceremony at home.

On 26 October 2013, the authorities in Sistan-Baluchestan province executed at least 16 Baluchi prisoners in an act of retaliation after a Sunni armed group, Jaish-ul-Adl (Army of Justice), reportedly killed 14 border guards in the city of Saravan in the same province, near the border with Pakistan, the previous day. A judiciary official in the province announced the same day that the individuals had been executed in response to the border attack.[3] He said that eight of those executed had been convicted of "enmity against God" and "corruption on earth" for their alleged membership in an armed militant group in Sistan-Baluchestan province. The other eight had been convicted of drugs offences. Such executions in retaliation for an act in which the prisoners were not involved puts into question the principles of criminal law, the foremost of which being that individuals should not be punished for a crime they did not commit.

[3] Amnesty International, Iran: Lives of two death row inmates from Kurdish minority at risk amid surge in executions, 28 October 2013, http://www.amnesty.org/en/news/iran-lives-two-kurdish-death-row-inmates-risk-amid-surge-executions-2013-10-28

Academic freedom

Amnesty International welcomes the positive changes in the area of higher education; in particular, the return of a number of students previously banned from pursuing higher education in universities. In September 2013, the interim Minister of Science, Research and Technology, Ja'far Tofighi, announced that the Ministry had established a working group to investigate complaints from banned students and academic staff. At the end of 2013, the Ministry reported that 126 banned students had been allowed to resume their studies.

Hundreds of other students, however, continued to be barred from higher education solely because of their peaceful exercise of their rights or due to official discrimination that bars members of unrecognized religious groups, including Baha'is, from accessing higher education in Iran. Numerous students remain imprisoned for their peaceful activism or on account of their conscientiously held beliefs.

Student activist Maryam Shafi' Pour, who has been banned from university education, has been detained since 27 July 2013. She spent over two months in solitary confinement in Section 209 of Tehran's Evin Prison without access to a lawyer, before being transferred to the prison's general ward. She was a member of the women's committee of Mehdi Karroubi's campaign for the 2009 elections. She is currently on trial on national security-related charges that appear to stem from her peaceful political activities.

Omid Kokabee, a member of Iran's Turkmen minority and a post-graduate physics student in the USA, was arrested at Imam Khomeini airport in Tehran in January 2011 while waiting for his flight back to the USA. He was held in solitary confinement for 15 months, subjected to prolonged interrogations, and was pressured to make "confessions". His televised trial in May 2012 before a Revolutionary Court in Tehran was marred with irregularities. He was denied the right to legal representation until his trial and no evidence was presented against him in court other than his well-known and public affiliations with academic institutions in the USA. He was sentenced to 10 years' imprisonment for having "connections with a hostile government." In November 2012, a General Court sentenced him to a further 91 days' imprisonment for receiving "illicit payments" in connection with the scholarships he had received for his studies.

Amnesty International welcomes the initiative announced in January 2014 by Ali Younesi, Hassan Rouhani's aide on ethnic and religious minority affairs, that the education of ethnic minority communities in their mother tongue is on the government's agenda. While this is a welcome step, the Iranian authorities must demonstrate that their words go beyond mere rhetoric by taking concrete actions to ensure that ethnic and religious minority groups, including Bahai's whose religion is not recognized under the Iranian Constitution, and whose students are banned from university education, have equal access to primary and higher education.

Iran must also eliminate all discriminatory policies against women, including gender quotas and the exclusion of women from some fields of study. In January 2014, student and women's rights activists presented to parliament 2000 signatures in support of a statement opposing the gender quota system used to discriminate against women in the 2012 and 2013 university entrance exams.

Amnesty International urges members of the Human Rights Council to respond to the grave human rights situation in Iran by adopting a resolution that addresses the widespread gross and systematic human rights violations in Iran and renews the mandate of the Special Rapporteur on the situation of human rights in Iran.